

IN SENATE OF THE UNITED STATES.

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MAY 26, 1836.

Read, and ordered to be printed.

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Mr. LEIGH made the following

REPORT,

WITH SENATE BILL NO. 271.

*The Committee on Revolutionary Claims, to which was referred the petition of the widow and children of Joseph C. Megginson, deceased, reports :*

That the petitioners represent that William Megginson was a captain in Colonel Morgan's regiment of the Virginia line on continental establishment during the war of the Revolution, and that he died in the service before the close of the war, leaving a widow, who did not long survive him, and died unmarried, and one son, Joseph C. Megginson, husband of the first and father of the other petitioners. And they therefore pray that Congress may allow them the amount of seven years' half pay of a captain, according to the provisions made for the families of officers dying in the service, and interest upon the same.

The facts of Captain Megginson's service, of his rank, of his death in the service, of his leaving a widow and one son, Joseph C. Megginson, the petitioners' ancestor, and of the death of Captain Megginson's widow, are satisfactorily proved, though the date of Captain Megginson's death is not ascertained with precision. It only appears that he entered into the service in 1776, and marched from Virginia with his regiment to the North; and that his heirs have been allowed land bounty by the Executive of Virginia *for three years' service*, whence it would seem that his death probably happened in 1779, or afterwards, but it does not appear that any or what evidence as to the date of his death was before the Executive of Virginia, other than that filed with the petition.

If this claim rested solely on the resolution of Congress of the 24th of August, 1780, extending the allowance of the seven years' half pay promised to certain officers by their resolution of the 15th May, 1778, to the widows, &c. of those officers "who had died or should thereafter die in the service," the precise date of the death of Captain Megginson might be important; because, if he died prior to the 15th May, 1778, the question would arise upon the construction of the resolution of the 24th August, 1780, whether it was applicable to the case of officers who died prior to the resolution of the 15th May, 1778, upon which question there

has been a difference of opinion. But the claim rests, also, on a provision of an act of Assembly of Virginia, passed in October, 1780, the 1st and 3d sections of which make provision for the widows, &c. of officers of the Virginia continental line, who died in the service, without discrimination in respect of the date of their death, as follows: "That any officer of this State on continental establishment, who hath died or shall hereafter die in the service, and leave a widow, she shall receive annually, for the space of seven years, half pay of such officer, in specie or the value in paper money, from the public treasury; and in case there be no widow, or there being a widow, she dies or intermarries within the said term of seven years, the orphan children of such officer shall then be entitled to receive the said pay for the term aforesaid, or so much thereof as shall be unexpired at the death or intermarriage of such widow," and "that all allowances of half pay given by this State under any act or resolution of Assembly, to the widow of any officer who hath died in the service, shall hereafter be paid, *agreeably to the table of depreciation aforesaid*," meaning, as appears by reference to the first section of the act, "agreeably to the table of depreciation fixed by Congress, or which should be thereafter fixed by them." Now, the provisions of the statutes of Virginia, allowing half pay for life to the officers of the Virginia line on *State establishment*, having been recently carried into execution by Congress, on the ground that, as the services of the *State* troops enured to the general defence of the United States, the half pay promised to them ought to be assumed by the United States; it seems to the committee that the promise of seven years' half pay made by the statute of Virginia above recited, to the families of the officers of her *continental* line, who had died or should die in the service, ought, upon the same principle, to be assumed by the United States.

Upon the whole, the committee is of opinion that the claim is well founded, and therefore it reports a bill for the relief of the petitioners, providing for the payment of the amount of seven years' half pay to the legal representatives of the said Joseph C. Megginson, but without interest, to which, in the opinion of the committee, the petitioners have no just claim.